

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NORFOLK COUNTY RETIREMENT SYSTEM,
individually and on behalf of all others similarly
situated,

Plaintiff,

v.

COMMUNITY HEALTH SYSTEMS, INC.,
WAYNE T. SMITH and W. LARRY CASH,

Defendants.

THIS DOCUMENT RELATES TO ALL
ACTIONS

CONSOLIDATED
CIVIL ACTION NO.: 11-cv-0433

CLASS ACTION

JUDGE ALETA A. TRAUGER
MAG. JUDGE JOE B. BROWN

JURY TRIAL DEMANDED

**NOTICE OF FILING OF PETITION FOR
EN BANC REVIEW OF THE HMA DECISION**

Lead Plaintiff hereby notifies this Court that on June 1, 2015 a petition was filed in the Eleventh Circuit Court of Appeals seeking a rehearing *en banc* of the *per curiam* decision in *Sapssov v. Health Mgmt. Assocs.*, No. 14-12838, 2015 U.S. App. LEXIS 7731 (11th Cir. May 11, 2015) (“HMA”) to the extent it is inconsistent with the U.S. Supreme Court decisions in *Dura Pharms., Inc. v. Broudo*, 544 U.S. 336 (2005) and *Halliburton Co. v. Erica P. John Fund, Inc.*, 134 S. Ct. 2398 (2014). Both parties have relied on HMA in part (*see* Doc. Nos. 138, 139, 145) in support of their arguments on the pending motion to dismiss. A copy of the petition is attached hereto as Exhibit A.

Dated: June 2, 2015

**LOWEY DANNENBERG COHEN
& HART, P.C.**

/s/ Barbara J. Hart

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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2015, a copy of Lead Plaintiff's NOTICE OF FILING OF PETITION FOR *EN BANC* REVIEW OF THE HMA DECISION, was filed with the Clerk of the Court using the CM/ECF system, which will automatically serve a copy of same upon all counsel of record, as identified in the following chart:

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Dated: June 2, 2015

/s/ Scott V. Papp _____